

4. Minutes of Discussions


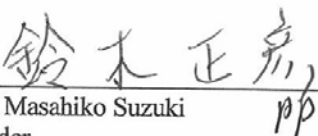
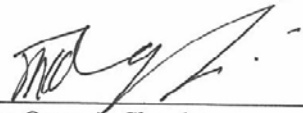


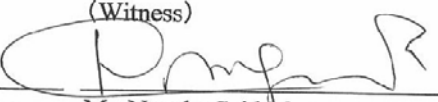
MINUTES OF DISCUSSIONS
ON THE PREPARATORY STUDY
ON THE PROJECT FOR RECONSTRUCTION OF RUSUMO BRIDGE
AND CONSTRUCTION OF OSBP FACILITIES
IN THE REPUBLIC OF RWANDA AND THE UNITED REPUBLIC OF TANZANIA

In response to a request from the Government of the Republic of Rwanda (hereinafter referred to as "Rwanda") and the United Republic of Tanzania (hereinafter referred to as "Tanzania"), the Government of Japan decided to conduct a Preparatory Study on the Project for Reconstruction of Rusumo Bridge and Construction of OSBP Facilities (hereinafter referred to as "the Project") and entrusted the study to the Japan International Cooperation Agency (hereinafter referred to as "JICA").

JICA sent to Rwanda and Tanzania the Preparatory Study Team (hereinafter referred to as "the Team"), headed by Mr. Masahiko Suzuki, Project Formulation Adviser, JICA Kenya Office, and is scheduled to stay in the countries from November 16th to December 3rd, 2009. The Team held discussions with the officials concerned with the Governments of Rwanda and Tanzania and conducted a field survey in the study area.

In the course of discussions and field survey, both parties confirmed the main items described on the attached sheets. The Team will proceed to further works and prepare the Preparatory Study Report.

December, 2009

		
Ms. Marie Claire Mukasine Permanent Secretary Ministry of Infrastructure the Republic of Rwanda	Mr. Masahiko Suzuki Leader Preparatory Study Team Japan International Cooperation Agency	Eng. Omar A. Chambo Permanent Secretary Ministry of Infrastructure Development the United Republic of Tanzania
(Witness) 	(Witness) 	(Witness) 
Mr. Michel Sebera Acting Director External Finance Ministry of Finance and Economic Planning the Republic of Rwanda	Mr. Phillip Wanjohi Wambugu Director, Planning and Infrastructure East African Community Secretariat	Mr. Ngosha Said Magonya Commissioner for External Finance Ministry of Finance and Economic Affairs the United Republic of Tanzania



ATTACHMENT

1.Objective of the Project

The objective of the Project is to improve the efficiency of transportation on the Central Corridor in East Africa through the reconstruction of the Rusumo Bridge and the construction of One Stop Border Post (OSBP) facilities and to promote regional integration in the East African Community (EAC) through the Project.

2.Project site

The site of the Project is located at the border between Rwanda and Tanzania as shown in ANNEX 1.

3.Responsible and Implementing Entities

The Responsible and Implementing Entities are as follows;

(Rwandan side)

Responsible Ministry is the Ministry of Infrastructure

Implementing Entity for reconstruction of the Rusumo Bridge and access road is the Rwanda Transport Development Agency

Implementing Entity for construction of OSBP facilities is the Ministry of Infrastructure (Tanzanian side)

Responsible Ministry is the Ministry of Infrastructure Development

Implementing Entity for reconstruction of the Rusumo Bridge and access road is Tanzania National Roads Agency (TANROADS).

Implementing Entity for construction of OSBP facilities is Tanzania Building Agency

4.Confirmation of the items requested by the Government of Rwanda and Tanzania

After discussions with the Team, the requested components were confirmed as below. JICA will assess the appropriateness of the request and will recommend to the Government of Japan for approval.

- 1) Reconstruction of Rusumo Bridge and its access roads
- 2) Construction of OSBP facilities
- 3) Provision of equipment for OSBP facilities

5.Japan's Grant Aid Scheme

5-1.Both Rwandan and Tanzanian sides understand the Japan's Grant Aid Scheme explained by the Team, as described in ANNEX 2.

5-2. Both Rwandan and Tanzanian sides will take the necessary measures, as described in ANNEX 3, for smooth implementation of the Project.



6. Schedule of the Study

- 6-1. The 2nd preparatory study team will be dispatched to Rwanda and Tanzania to conduct a more detailed field survey for outline design of the facilities around February, 2010.
- 6-2. JICA will prepare the draft report in English and dispatch a mission in order to explain its contents around August, 2010.
- 6-3. JICA will prepare and submit the final report to the Governments of Rwanda and Tanzania by the end of November, 2010.

7. Joint Technical Committee (JTC)

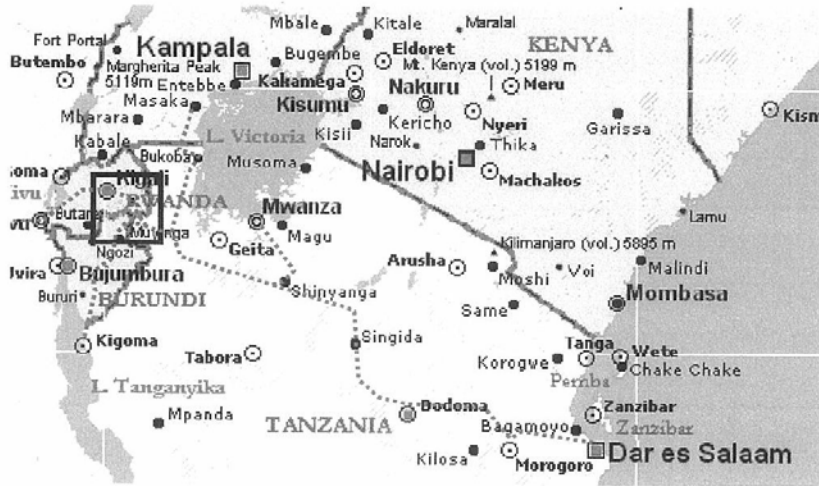
The 1st JTC meeting was held in Kigali from 30 November to 1 December, 2010. The main topics discussed at the meeting were as follows;

- 7-1. The draft of Terms of Reference of the JTC was prepared and agreed as attached in Annex 4.
- 7-2. The technical issues to be discussed at JTC meetings were confirmed as follows;
 - 1) Application manners of traffic rules at the border area and technical regulations, such as design standards to be applied for the construction of facilities
 - 2) Concept of design for border post facilities
 - 3) Confirmation of the current rule on border line on and around the Rusumo Bridge
 - 4) Identification of ownership of each facility to be constructed
 - 5) Distinction and coordination of the necessary undertakings to be taken by the recipient countries between the Government of Rwanda and Tanzania
 - 6) How to deal with the existing bridge after completion of the project
 - 7) Maintenance and operation system of the facilities
 - 8) Other relevant issues, if necessary

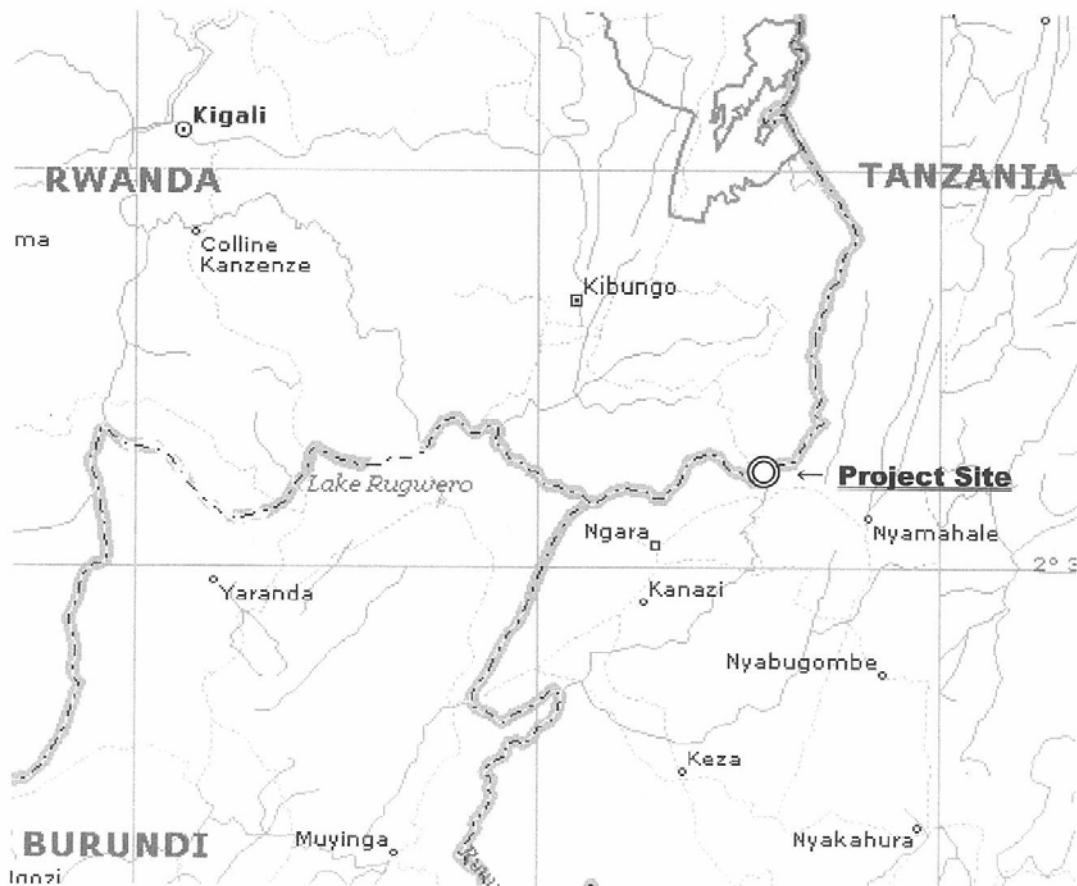
8. Other issues

- 8-1. Both Rwanda and Tanzania requested the Team to coordinate the study schedule considering the fiscal year for both Governments. The Team agreed to consider the request.
- 8-2. Rwandan side plans to electrify the Rusumo area by 2012. Both sides agreed to design the facilities on both sides based on the assumption that electricity will be available.

Site Map



wide area map



detail map

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ANNEX 2

JAPAN'S GRANT AID

The Government of Japan (hereinafter referred to as "the GOJ") is implementing the organizational reforms to improve the quality of ODA operations, and as a part of this realignment, a new JICA law was entered into effect on October 1, 2008. Based on this law and the decision of the GOJ, JICA has become the executing agency of the Grant Aid for General Projects, for Fisheries and for Cultural Cooperation, etc.

The Grant Aid is non-reimbursable fund provided to a recipient country to procure the facilities, equipment and services (engineering services and transportation of the products, etc.) for its economic and social development in accordance with the relevant laws and regulations of Japan. The Grant Aid is not supplied through the donation of materials as such.

1. Grant Aid Procedures

The Japanese Grant Aid is supplied through following procedures :

- Preparatory Survey
 - The Survey conducted by JICA
- Appraisal & Approval
 - Appraisal by the GOJ and JICA, and Approval by the Japanese Cabinet
- Authority for Determining Implementation
 - The Notes exchanged between the GOJ and a recipient country
- Grant Agreement (hereinafter referred to as "the G/A")
 - Agreement concluded between JICA and a recipient country
- Implementation
 - Implementation of the Project on the basis of the G/A

2. Preparatory Survey

(1) Contents of the Survey

The aim of the preparatory Survey is to provide a basic document necessary for the appraisal of the Project made by the GOJ and JICA. The contents of the Survey are as follows:

- Confirmation of the background, objectives, and benefits of the Project and also institutional capacity of relevant agencies of the recipient country necessary for the implementation of the Project.
- Evaluation of the appropriateness of the Project to be implemented under the Grant Aid Scheme from a technical, financial, social and economic point of view.
- Confirmation of items agreed between both parties concerning the basic concept of the Project.
- Preparation of a outline design of the Project.

- Estimation of costs of the Project.

The contents of the original request by the recipient country are not necessarily approved in their initial form as the contents of the Grant Aid project. The Outline Design of the Project is confirmed based on the guidelines of the Japan's Grant Aid scheme.

JICA requests the Government of the recipient country to take whatever measures necessary to achieve its self-reliance in the implementation of the Project. Such measures must be guaranteed even though they may fall outside of the jurisdiction of the organization of the recipient country which actually implements the Project. Therefore, the implementation of the Project is confirmed by all relevant organizations of the recipient country based on the Minutes of Discussions.

(2) Selection of Consultants

For smooth implementation of the Survey, JICA employs (a) registered consulting firm(s). JICA selects (a) firm(s) based on proposals submitted by interested firms.

(3) Result of the Survey

JICA reviews the Report on the results of the Survey and recommends the GOJ to appraise the implementation of the Project after confirming the appropriateness of the Project.

3. Japan's Grant Aid Scheme

(1) The E/N and the G/A

After the Project is approved by the Cabinet of Japan, the Exchange of Notes(hereinafter referred to as "the E/N") will be signed between the GOJ and the Government of the recipient country to make a pledge for assistance, which is followed by the conclusion of the G/A between JICA and the Government of the recipient country to define the necessary articles to implement the Project, such as payment conditions, responsibilities of the Government of the recipient country, and procurement conditions.

(2) Selection of Consultants

In order to maintain technical consistency, the consulting firm(s) which conducted the Survey will be recommended by JICA to the recipient country to continue to work on the Project's implementation after the E/N and G/A.

(3) Eligible source country

Under the Japanese Grant Aid, in principle, Japanese products and services including transport or those of the recipient country are to be purchased. When JICA and the Government of the recipient country or its designated authority deem it necessary, the Grant Aid may be used for the purchase of the products or services of a third country.

However, the prime contractors, namely, constructing and procurement firms, and the prime consulting firm are limited to "Japanese nationals".

(4) Necessity of "Verification"

The Government of the recipient country or its designated authority will conclude contracts denominated in Japanese yen with Japanese nationals. Those contracts shall be verified by JICA. This "Verification" is deemed necessary to fulfill accountability to Japanese taxpayers.

(5) Major undertakings to be taken by the Government of the Recipient Country

In the implementation of the Grant Aid Project, the recipient country is required to undertake such necessary measures as Annex.

(6) "Proper Use"

The Government of the recipient country is required to maintain and use properly and effectively the facilities constructed and the equipment purchased under the Grant Aid, to assign staff necessary for this operation and maintenance and to bear all the expenses other than those covered by the Grant Aid.

(7) "Export and Re-export"

The products purchased under the Grant Aid should not be exported or re-exported from the recipient country.

(8) Banking Arrangements (B/A)

a) The Government of the recipient country or its designated authority should open an account under the name of the Government of the recipient country in a bank in Japan (hereinafter referred to as "the Bank"). JICA will execute the Grant Aid by making payments in Japanese yen to cover the obligations incurred by the Government of the recipient country or its designated authority under the Verified Contracts.

b) The payments will be made when payment requests are presented by the Bank to JICA under an Authorization to Pay (A/P) issued by the Government of the recipient country or its designated authority.

(9) Authorization to Pay (A/P)

The Government of the recipient country should bear an advising commission of an Authorization to Pay and payment commissions paid to the Bank.

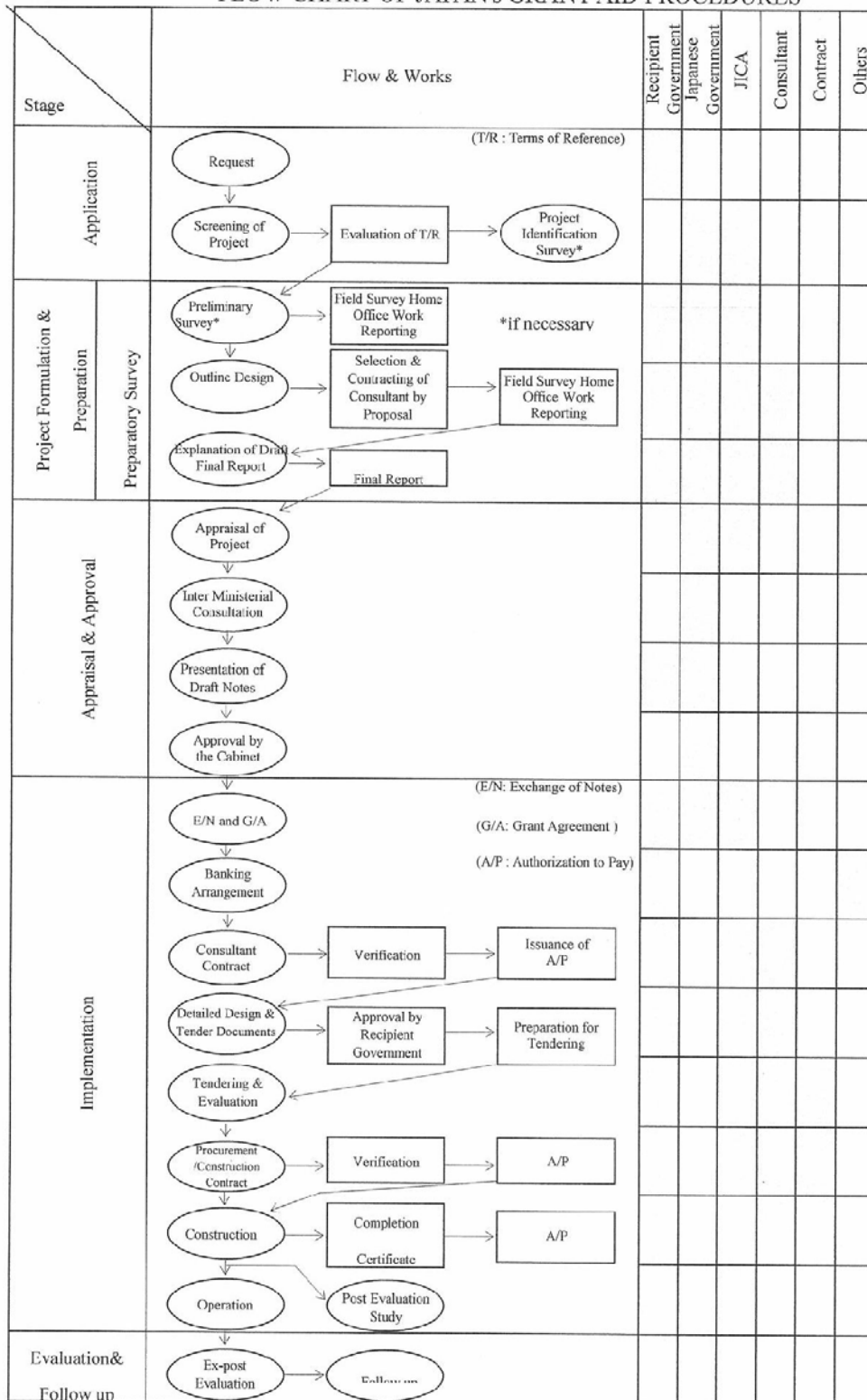
(10) Social and Environmental Considerations

A recipient country must carefully consider social and environmental impacts by the Project and must comply with the environmental regulations of the recipient country and JICA socio-environmental guidelines.



The Project for Construction of Rusumo International Bridge and One Stop Border Post Facilities Report

FLOW CHART OF JAPAN'S GRANT AID PROCEDURES



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Major Undertakings of the Project to be taken by Each Government

ANNEX 3

No.	Items	To be covered by Grant Aid	To be covered by Recipient Side
1	to secure lots of land necessary for the implementation of the Project and to clear the sites;		●
2	To construct the following facilities		
	1) The buildings	●	
	2) The gates and fences that are considered necessary for the operation of the OSBP facilities	●	
	3) The parking lots	●	
	4) The roads within the site	●	
	5) The roads outside the site		●
3	To provide facilities for distribution of electricity, water supply and drainage and other incidental facilities necessary for the implementation of the Project outside the sites		
	1) Electricity		
	a. The distributing power line to the site		●
	b. The drop wiring and internal wiring within the site	●	
	c. The main circuit breaker and transformer	●	
	2) Water Supply		
	a. The water distribution main to the site (if necessary)		●
	b. The supply system within the site (receiving and elevated tanks)	●	
	3) Drainage		
	a. The drainage main (for storm sewer and others to the site) (if necessary)		●
	b. The drainage system (for toilet sewer, common waste, storm drainage and others) within the site	●	
	4) Gas Supply (if necessary)		
	a. The gas main to the site		●
	b. The gas supply system within the site	●	
	5) Telephone System (if necessary)		
	a. The telephone trunk line to the main distribution frame/panel (MDF) of the building		●
	b. The MDF and the extension after the frame/panel	●	
	6) Furniture and Equipment		
	a. General furniture		●
	b. Project equipment	●	
4	To ensure prompt [unloading and customs clearance of the products at ports of disembarkation in the recipient country and to assist internal transportation of the products] / [customs clearance of the products and to assist internal transportation of the products in the recipient country]		
	1) Marine (Air) transportation of the Products from Japan to the recipient country	●	
	2) Tax exemption and custom clearance of the Products at the port of disembarkation		●
	3) Internal transportation from the port of disembarkation to the project site	●	
5	To ensure that customs duties, internal taxes and other fiscal levies which may be imposed in the recipient country with respect to the purchase of the products and the services be exempted		●
6	To accord Japanese nationals whose services may be required in connection with the supply of the products and the services such facilities as may be necessary for their entry into the recipient country and stay therein for the performance of their work		●
7	To ensure that the Facilities and the products be maintained and used properly and effectively for the implementation of the Project		●
8	To bear all the expenses, other than those covered by the Grant, necessary for the implementation of the Project		●
9	To bear the following commissions paid to the Japanese bank for banking services based upon the B/A		
	1) Advising commission of A/P		●
	2) Payment commission		●
10	To give due environmental and social consideration in the implementation of the Project.		●

(B/A : Banking Arrangement, A/P : Authorization to pay)



**The United Republic
of Tanzania**



**The Republic of
Rwanda**

**TERMS OF REFERENCE OF THE JOINT TECHNICAL COMMITTEE
(JTC)
ASSIGNED WITH THE ORGANIZATION AND MANAGEMENT OF
THE RECONSTRUCTION OF NEW BRIDGE AND ONE STOP BORDER
POST (OSBP) AT RUSUMO**

November, 2009

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A handwritten signature in black ink, consisting of the Chinese characters '孙' and '斌'.

A small handwritten signature in black ink, consisting of the letters 'CH'.

A large, stylized handwritten signature in black ink, consisting of a long vertical stroke and a loop.

A handwritten signature in black ink, consisting of a stylized 'O' and 'R'.

DRAFT

**TERMS OF REFERENCE OF THE JOINT TECHNICAL COMMITTEE
(JTC)
ASSIGNED WITH THE COORDINATION OF THE RECONSTRUCTION
OF A BRIDGE AND CONSTRUCTION OF ONE STOP BORDER POST
(OSBP) FACILITIES AT RUSUMO**

Background

The Government of the United Republic of Tanzania and the Government of the Republic of Rwanda requested funding from the Japanese Government for the purpose of reconstruction of a Bridge at Rusumo to replace the existing one which is deemed to have reached the end of its service life due to its lower loading limits in terms of Axle Loading.

In addition to this the two Governments also requested the construction of One Stop Border Post (OSBP) facilities at Rusumo.

During the course of the preparatory study, it was considered prudent to establish a Joint Technical Committee (JTC) between the two countries to co-ordinate the two projects.

**Article 1
Definition**

The JTC shall be the body of experts from both countries that will be responsible for the overall co-ordination and facilitation of activities integral in the design and construction of the new bridge and OSBP facilities at Rusumo.

**Article 2
Composition**

1. The JTC shall consist of a delegation of representatives of each Country and a representative from EAC Secretariat;
2. Each Delegation shall consist of not more than seven (7) permanent members, one of whom shall be designated as the Head of Delegation;

ToR for JTC – Rusumo Bridge & OSBP

1



For Tanzania

- Representative from the Ministry of Foreign Affairs and International Cooperation, African Affairs Department;
- Representative from the Department of Policy and Planning, Ministry of Infrastructure Development;
- Representative from the Department of Transport Infrastructure, Ministry of Infrastructure Development;
- Representative from the Department of External Finance, Ministry of Finance and Economic Affairs;
- Representative from Tanzania Revenue Authority;
- An official from the Department of Immigration;
- Other officials appointed by the Joint Technical Committee.

For Rwanda.

- Representative from the Ministry of Foreign Affairs and Cooperation;
- Representative from the Ministry of Finance and Economic Planning
- Representative for customs in Rwanda Revenue Authority;
- Representative from the Eastern Province District Office;
- Bridge Engineer in the Ministry of Infrastructure
- An official from the Directorate of Immigration and Emigration;
- A Representative from the Rwanda Transport Development Agency;
- Other officials appointed by the Joint Technical Committee.

From EAC

- Representative from EAC Secretariat

3. Each Delegation may co-opt any number of members to their respective Delegations.
4. Each country may, at any time, replace the members of its delegation;
5. Such replacement will become effective thirty days after the date of notification to either Party.
6. The JTC may establish working groups as deemed necessary for the good discharge of its functions.

Article 3

ToR for JTC – Rusumo Bridge & OSBP

2



Functions and Powers

In conformity with the Bilateral Agreement between the two countries, for the Construction of the New Bridge and OSBP facilities at Rusumo, the JTC shall have the following functions and powers:

1. To coordinate technical, legal and administrative matters related to the Project;
2. To advise on the implementation of the Project in accordance with the Implementation Schedule agreed by Rwanda, Tanzania and JICA;
3. To review any documentation with regard to the Project produced by JICA or any contracted agencies;
4. To coordinate project activities with relevant institutions;
5. To propose to the Higher Competent Authorities of the two Governments the procedures for the operation and maintenance of the Rusumo Bridge and OSBP.
6. To perform the powers and functions conferred on it in terms of the finalized contract for the execution of the project.

Article 4 Chairmanship

The Head of Delegation hosting a meeting, shall in respect of that meeting, be the chairperson, saving any decision to the contrary.

Article 5 Meetings

1. The JTC shall hold ordinary meetings every 3 months, alternately between the two countries, and extraordinarily, whenever necessary.
2. The country hosting a meeting shall be responsible for the timely preparation and distribution of the proposed agenda and documentation, secure the logistics and provide secretarial services for the meeting.
3. The host country must prepare the minutes of the meeting to be approved by the meeting.
4. The meetings of the JTC shall be closed to non-members, saving any decision to the contrary.

Article 6

ToR for JTC – Rusumo Bridge & OSBP

3

